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# THE LEGISLATURE REDISTRICTS ILLINOIS

by GILBERT Y. STEINER and SAMUEL K. GOVE

THE INSTITUTE OF GOVERNMENT



*and* PUBLIC AFFAIRS

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## FOREWORD

When it became evident that the Illinois legislature would be redistricted in the 1955 session, the Institute of Government and Public Affairs was in a position to follow the activity closely and to contribute to the understanding of this phase of the political process. Staff members of the Institute, over the past six years, have worked directly with Illinois legislative commissions created to study governmental problems and have had unusual opportunities to observe the work of the General Assembly. The authors have had close and especially valuable contact with the Illinois legislative process on both a formal and an informal basis. Professor Gilbert Y. Steiner, from 1951 to 1953, served as research associate with the Municipal Revenue Commission and is currently a consultant to the Northeastern Illinois Metropolitan Area Local Government Services Commission. Professor Samuel K. Gove served, in 1950 and 1951, on the staff of the Commission to Study State Government and, in 1953 and 1954, on the research staff of the State Personnel Administration Commission created by the 1953 General Assembly. The authors worked with legislative leaders of both parties in seeing the work of the commissions through the legislative sessions and in aiding in the preparation of legislation. A first product of their study of the legislature was *The Illinois Legislative Process*, published in 1954.

The Institute and the authors gratefully acknowledge comments on preliminary drafts of the manuscript by Senators George E. Drach and William J. Lynch and by Representatives Arthur Sprague, William E. Pollack, and Paul Powell. Other members of the General Assembly have made helpful contributions, as have Messrs. Jack F. Isakoff and Dick Viar of the Illinois Legislative Council, and Professors Charles Kneier, Phillip Monypenny, and Charles Hagan of the University of Illinois.

As is the case in all studies published by the Institute, maximum freedom has been accorded the authors. The views expressed and the conclusions reached are theirs.

ROYDEN DANGERFIELD, Director

*Institute of Government and Public Affairs*



## THE LEGISLATURE REDISTRICTS ILLINOIS

This is a case study of legislative redistricting, a policy-making situation in which the group with the most immediate interest in the policy is itself the formal policy maker. Redistricting legislation is of basic concern to legislators because it is a kind of job specification which can be drawn to the special advantage or disadvantage of any member. Redistricting can insure continuity in office or can insure retirement, depending on the terms of the bill. No other legislation has quite the same direct effect on a legislative career, and with no other legislation do the demands, the proposals, the maneuvering, and the compromises emanate from within the legislative body to the same extent. The focus of this study, then, is on the pressures, the techniques, and the influences that obtain in a legislative situation wherein the legislative interest itself is predominant.<sup>1</sup>

The redistricting legislation under consideration here formally originated in the Illinois House of Representatives on May 24, 1955, but almost all of its important legislative history took place before that date.<sup>2</sup> Some of its characteristics were fixed by a constitutional amendment proposed by the 1953 General Assembly and ratified in November 1954. That amendment temporarily resolved the most compelling general problem in Illinois legislative apportionment, *i.e.*, finding a pattern of distribution of legislative

<sup>1</sup> For our general analysis of the Illinois legislative process, see Samuel K. Gove and Gilbert Y. Steiner, *The Illinois Legislative Process* (Urbana, 1954).

<sup>2</sup> House Bill No. 1123, "A Bill for an Act to apportion the State of Illinois into senatorial and representative districts and to repeal an Act herein named," was signed by the Governor on June 29, 1955, became law July 1, 1955, and was initially applicable at the time of filing petitions for the April primary preceding the November 1956 election.

seats between the City of Chicago and the remainder of the state. Although the Constitution of 1870 provided for a decennial redistricting of each house on a population basis, there had in fact been no redistricting since 1901. House and Senate districts were congruent, and of the fifty-one of each, eighteen lay in Chicago, one lay in Cook County outside of Chicago, and the remaining thirty-two were downstate. With a population about two-fifths of the state's total, Chicago held about one-third of the seats in the General Assembly.

Ratification of the amendment did not achieve redistricting. It merely provided an outline for the General Assembly to fill in in 1955, and contained provisions that practically compelled implementation of the outline. The outline cut the state into three great pieces, Chicago, Cook County outside of Chicago, and Illinois' remaining 101 downstate counties. For the initial redistricting, each geographical unit was assigned a specific number of members of each chamber. Districting was to be based on a population standard in the House of Representatives while area was to be the "prime consideration" in fashioning Senate districts. It was left to the 1955 General Assembly to draw the boundary lines for 59 House districts and for 58 Senate districts. Until 1963, only 23 House seats were to be in Chicago, 7 in Cook County outside of Chicago, and 29 downstate. In redistricting the House in 1963 and every ten years thereafter, the ceiling on Chicago would no longer obtain. Of the apparently permanent Senate districts, 18 were to be in Chicago, 6 in Cook County outside of Chicago, and 34 downstate. If the legislature failed to act in its 1955 regular session, the Governor was to appoint, from a list of party nominees, a special bipartisan commission to do the job; if the commission did not succeed in redistricting, all members of the General Assembly were to run from the state at large in 1956. A similar plan insures that the House will be redistricted in 1963 and every decade thereafter.

House Bill No. 1123 of the 1955 legislative session could not be treated as an ordinary piece of legislation. Other bills considered by the General Assembly can pass or fail, and in the latter event, the issue is at least temporarily terminated. Under the provisions of the constitutional amendment, however, some kind of reapportionment was self-executing. The legislature was offered the first opportunity to deal with the question. If this opportunity was declined, other means were provided. In short, unlike the alternatives presented on other issues, the alternatives here did not include the status quo.

In addition to the elimination of the status quo as an alternative, the range of legislative activity was further limited by the constitutional directive assigning blocs of seats to each of the three geographical areas previously noted. Finally, the population and area bases, for House and Senate re-



spectively, were pre-existing limits on legislative activity. Within these limits, and within the routine requirements of compactness and contiguity, the legislature was privileged to draw districts. The minimum requirement for an understanding of the reapportionment legislation in 1955 is an understanding of this formal framework for legislative activity.

These were not the sole limits, however. Given only a need to conform to the requirements spelled out above, innumerable proposals for redistricting should have been satisfactory. In fact, informal limits on the terms of the bill also shaped its content. We have hypothesized that the most important of the informal limits included the following:

1. Individual preservation, the desire of each legislator to be in a "safe" district.
2. Mutual preservation, the willingness of members to cooperate with each other in protecting incumbents against potential challengers.
3. Political party preservation, the desire of the leaders of each political party organization to maximize its strength in the legislature.
4. Bloc preservation, the desire of members of voting blocs — whether based on geographic, economic, or ideological cohesion — to retain existing personnel and strength. Such blocs are often bipartisan, and their membership is relatively small.

An obvious distinction between the formal and the informal limits, so called, lies in the fact that the former were spelled out in the Constitution, were well known, and were susceptible to enforcement and interpretation by both the Governor whose signature on a redistricting bill was necessary and by the courts to which a challenge of the bill could be taken. The informal limits were nowhere written out and were not susceptible to legal enforcement, but these factors made them no less important. The explanation of the 1955 redistricting legislation lies in the adjustment of the formal and informal limits to each other. If either type of limit had been the exclusive criterion, the job would have been routine; if the limits had been incompatible, the job would have been impossible.

#### **DEVELOPMENT OF THE FORMAL LIMITS ON LEGISLATIVE ACTION**

By 1953, the Illinois constitutional directive for decennial redistricting had been ignored for forty-two years, the last reapportionment having taken place in 1901. In this period, there had been both major population increases and major population movements. The 1950 census showed that one county contained over half of the state's population, but under the 1901 apportionment, this county (Cook) contained only 19 of the state's 51 Senatorial districts from each of which one Senator and three Representatives were elected.<sup>3</sup>

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<sup>3</sup> The 1950 population of Cook County was 4,508,792; the downstate population was 4,203,384.

Some attempts had been made during the intervening years to effect a legislative reapportionment. Proposals for statutory change met with no success. Any statutory change designed to carry out the constitutional mandate would have meant sizeable increases in representation for Cook County at the expense of downstate. Attention focused on changing the rules of apportionment as early as 1922 when a constitutional convention included a new method of apportionment in a proposed constitution submitted to but rejected by the voters.<sup>4</sup> In the period 1922-1952, some twenty resolutions proposing constitutional amendments to the legislative apportionment article were introduced and lost in the General Assembly.<sup>5</sup>

One long-standing obstacle to a new legislative apportionment article was the restrictive amending procedure set out in the 1870 Constitution. Consequently, a reapportionment formula seemed to depend on a new formula for amending the Constitution. In this respect, the reapportionment interest was allied with the proponents of change in the judicial structure and in the revenue system. The result was a unified interest of considerable strength directed toward easing the amendment process. In 1950, the so-called "Gateway" Amendment was ratified as the first amendment to the state's Constitution in over 40 years. Subsequent to ratification of "Gateway," constitutional change became possible with less strength than had theretofore been the case. In the 1951 session of the General Assembly, the first after adoption of the Gateway Amendment, several proposed amendments affecting legislative apportionment were introduced. All met with failure, but it was obvious that there was renewed interest in the problem.

During the period after the adjournment of the 1951 session, and prior to the convening of the 1953 session, several groups expressed interest in the problem and conducted studies of possible alternative amendments. The Governor, like nearly all of his predecessors in this century, included legislative reapportionment as part of his legislative program for the 1953 session. Several proposed reapportionment amendments were introduced during the session, but it was not clear at the outset which, if any, had administration sponsorship. Late in the session, the Governor's proposal, providing for a new method of apportionment, was introduced. Representation in the House was to be based on population and in the Senate area was to be "the prime consideration." The amendment spelled out the number of districts of each House to be assigned to Chicago, to suburban Cook

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<sup>4</sup> Proposed Constitution of 1922, Section 23. Cook County would have had 19 of 57 Senate districts. The 153 House seats were to be apportioned on a population basis. Also see *Debates of the Constitutional Convention* (Springfield, 1922). Most observers do not attribute the defeat of the proposed constitution to this or any other single provision.

<sup>5</sup> Illinois Legislative Council, *Reapportionment in Illinois* (Springfield, 1952).

County, and to downstate. No provision for periodic redrawing of Senate districts was included, but the House was to be redistricted every ten years. A self-enacting clause provided for reapportionment by a non-legislative body if the legislature failed to act.

The passage of the amendment in the House and the Senate has been described elsewhere,<sup>6</sup> and it is sufficient to mention that it was an unexpected accomplishment, particularly as it markedly changed the status quo. Members were warned of the potential danger to their seats by the House Minority Leader who characterized the amendment, on the floor of the House, as "the same thing as an employee signing his resignation." There was substantial opposition to the proposal in the General Assembly, and it could not have been passed without extensive logrolling, especially after a House Democratic conference was held wherein it was explained that it was not a party measure. Final passage was achieved, however, by comfortable majorities in Senate and House, although it took a good deal of activity on the part of the Governor and meant sacrificing bills to create a State Crime Commission and to submit to local referendum a plan for reorganization of Chicago's government. The critical Democratic votes in the House were delivered the second time around, the party leader changing his vote from "Present" to "Aye" after twenty-four hours of negotiation in Springfield and Chicago.

After the legislature had completed action on the amendment, an intensive campaign for ratification commenced. The Illinois Committee for Constitutional Revision, a citizen group with headquarters in Chicago that had pushed the adoption of the Gateway Amendment in 1950, was reactivated and coordinated the campaign of civic organizations throughout the state with special concentration, however, in Cook County.<sup>7</sup> This bipartisan group, including farm, business, and labor organizations, received sizeable financial contributions and was able to retain a public relations firm and to employ a staff including a field organizer who worked closely with the influential Illinois Agricultural Association in the downstate area. The committee itself, despite its vigorous activity, could not have led a successful campaign without the assistance of the two political party organizations. Both parties in their state platforms urged the adoption of the amendment,

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<sup>6</sup> Russell E. Olson, "Illinois Faces Dedistricting," *National Municipal Review*, Vol. 43 (July 1954), pp. 343ff.; John Bartlow Martin, "What Those Legislators Do to You," *Saturday Evening Post*, Vol. 224 (December 19 and 26, 1953), pp. 30ff. and 28ff.; John E. Juergensmeyer, "Reapportionment in Illinois, 1953-1954" (Unpublished Thesis, University of Illinois Department of Political Science, 1955).

<sup>7</sup> Samuel W. Witwer, Jr., "The 1954 Campaign For the Passage of the Reapportionment Amendment to the Illinois Constitution" (Chicago: Illinois Committee for Constitution Revision, 1954, mimeographed). Mr. Witwer served as chairman of the Committee.

and party leaders, with some exceptions, actively campaigned for its ratification.

Throughout the campaign, there was more interest and enthusiasm for the adoption of the amendment in Cook County than downstate. The four Chicago newspapers earnestly endorsed the amendment, but most downstate papers contained their enthusiasm, and some actually opposed the proposal. There was considerable opposition among politicians, but those fighting the amendment never achieved party organization support. Downstate opposition was led by the Minority (Democratic) Leader of the House of Representatives who, by so acting, admittedly opposed party policy. Although he traveled extensively to speak against the proposal, the opposition of most party workers of both parties generally took the form of "sitting out" the campaign. The Republican Speaker of the House, for example, persistently refused to lend the amendment his endorsement, but at no time did he indicate outright opposition.

Party discipline was unevenly meted out subsequent to the ratification of the amendment. The House Minority Leader was not re-elected to that position, the necessary votes coming from a reluctant but obedient Cook County Democratic legislative delegation voting as a unit in caucus. The rationale of the Cook County leadership was that party prestige would suffer materially if blatant opposition to state party policy was to be ignored and the rebel returned to a position of influence. The personal popularity of the retiring leader was such as to make his ouster an impressive demonstration of the ability of the Chicago Democratic organization to control its delegation to the General Assembly. On the Republican side, the campaign made no impression on leadership selection in 1955. Not only was the Speaker re-elected to that post, but the 1953 Republican Whip, who had openly opposed the amendment, was promoted in 1955 to the floor leadership. At least part of the reason for the differences in party action lies in the geographic distribution of party strength. The Democrats are strong in Chicago, and they are organized cohesively there under the leadership of the Cook County Central Committee. The Republican strength is downstate, but there is no comparable tight party organization in that relatively large area.

#### **LEGISLATIVE ORGANIZATION FOR REDISTRICTING**

The impetus for action on redistricting legislation in 1955 came not from any external group, public or private, but rather from the activity of the members of the 1953 session as sustained by the voters in the 1954 referendum. Redistricting was immediately distinguished from other legislation — including "must" legislation, so called — by the absence of a multitude of groups with packaged proposals and solutions. It was further



set apart from other legislation by the fact that there was no body of experience on which to fall back. The Senate Minority Leader summed up the situation by observing that "Not only do we in the legislature not know how to go about effecting a redistricting, but nobody active in Illinois politics today has had experience with an Illinois legislative redistricting."

During the inter-session period, there had been only sporadic efforts, in or out of the legislature, to undertake even tentative steps toward redistricting. Although some Chicago leaders had requested research aides to "survey the reapportionment field," the request was interpreted only to mean familiarization with the necessary documentary material. Neither party officials nor leaders of other groups diverted their attention from the proposed amendment to the consideration of particular consequences of the amendment. The concentration of proponents and opponents alike was on the constitutional referendum; and although it was frequently alleged that "undesirables" would be eliminated, only once prior to the 1955 session was the possible effect of redistricting on any individual legislator publicly highlighted. When the amendment was ratified in November 1954, the beginning of the new session was almost at hand.

Legislative leaders themselves had no plan, but some of them at least were alert to the possible importance of procedure on the final outcome. The principal spokesman for the Chicago Democratic organization came to the opening of the session with a resolution reminding everyone that the reapportionment amendment had been passed by a bipartisan vote in 1953 and that ratification "was urged on the electors by the platforms adopted at the 1954 State Conventions of both the Republican and the Democratic Parties."<sup>8</sup> The resolution proposed the creation of a joint committee, half the members of which would be from each party, "to prepare and recommend to the Senate and to the House of Representatives a bill for an Act to reapportion and redistrict the State." Formal introduction of the resolution was deliberately delayed while it circulated among legislative leaders.

Beginning with the informal discussions on this resolution, it became apparent that redistricting its own members was to be a prerogative of each house. Negotiations on the resolution were held just before the opening of the session, and initial agreement, incorporated in the body of the resolution, was reached on the inclusion of permission for "members of the joint Committee representing the Senate . . . to meet separately to consider proposals affecting the Senate; and members of the joint Committee representing the House . . . to meet separately to consider proposals affecting the House." The resolution itself was lost, but no activity occurred in the course of the session that could be construed as an effort to overturn this

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<sup>8</sup> Senate Joint Resolution 4, Sixty-ninth Illinois General Assembly, offered January 10, 1955.

early decision to bifurcate the problem. For all practical purposes, two separate measures were developed, and each chamber was to be asked to ratify the work of the other.

The implications of this arrangement are important. One advantage of a bicameral legislature is that it increases the channels of access to the legislature. Public policy, without exception in Illinois, can originate in either house. Any group seeking the enactment of legislation can decide whether to press its case initially in the House or in the Senate. The agreement to make each chamber master of its own districts meant that any external group with an interest in the redistricting was virtually compelled to make a frontal attack. Any redistricting proposal had to be offered to the house involved. The benefit of the legislative beachhead that might otherwise have been secured by first bringing the proposal through the second chamber was not to be available. In short, this early decision to work as independent entities rather than as a single team with a twofold problem had the immediate effect of reducing the possible influence of external groups on the terms of the redistricting legislation. This method of operation was extended and carried to its logical conclusion in the subsequent appointment of subcommittees in each house. Before considering subcommittee organization, however, it is appropriate further to consider the first decisions on procedure that were taken early in the session.

With the inclusion of the authorization for each chamber's members to meet separately, the Democratic resolution for a joint committee had three major elements:

1. Separation of House and Senate into distinct units, and the implicit abdication of each from the work of the other. On this, there was bipartisan and bicameral agreement.

2. Equal number of members from the Senate and from the House on any committee concerned with reapportionment. On this, there was no disposition to be firm, and when the House Speaker indicated that six House members would not be an adequate number, no opposition was apparent. Committee size, per se, could not be an issue unless there was to be a joint committee on which each member had a full vote. Once it was agreed that even if a formal joint committee was created, the House and the Senate would work independently, the number of committee members from each chamber was of no importance.

3. Equal strength for the Democrats on any reapportionment committee despite the Republican majorities in House and Senate. On this, the Republican leadership was at first in doubt. The close (78-74) party division in the House made the proposals seem more reasonable in that chamber than in the Senate where the Republicans held their usual overwhelming majority (32-19). On the other hand, the Democrats seized the advantage by alleging the failure to give them equal strength would be to admit that the redistricting would be used for partisan advantage, a characterization that the majority was seeking

to avoid. Ultimately, Senate Republicans fell back on the "regular order" as their line of defense and insisted on using the standing Committee on Apportionment and Elections as the agency for initial construction of Senate redistricting. This gave the Republicans a 10-6 advantage, the potency of which was to be vitiated by the subcommittee arrangements established at an initial meeting of the Apportionment and Elections Committee.

When it became apparent that a single formula would not satisfy both chambers, the joint committee idea was abandoned. However, a hearing was subsequently demanded on the resolution in order to permit a Democratic record of "non-partisan efforts toward reapportionment" to be established. At the early legislative stage, it was by no means certain that the General Assembly would agree on a redistricting bill, and if it became necessary to appoint a redistricting commission, Democratic strategy required that no charge of non-cooperation lie against the party.

By the beginning of the second week of the session, it became plain that agreement would not be reached in support of the joint committee proposal. Its sponsor thereupon formally introduced his resolution, for the record, having delayed introduction while there was some hope of agreement which would have been reflected in bipartisan sponsorship. On that same day, the House adopted a resolution, offered with bipartisan sponsorship, creating a special committee of the House to consider only the House apportionment.<sup>9</sup> The twelve-member committee, to which were appointed both proponents and opponents of the reapportionment amendment, was composed of six members of each party and was to report back to the House by March 15 — a date less than halfway through the customary six month legislative session. The desirability of quick action on reapportionment legislation was encouraged by the House Speaker who had said publicly that he thought nothing significant could be accomplished by the General Assembly until the reapportionment had been completed. Quick consideration and a March 15 report were not achieved, however, and although House districts were pretty well settled by early May, it was late May before there was sufficient agreement in both chambers so that legislation could be introduced. The Governor did not sign the reapportionment bill until June 29, two days before the deadline provided in the 1953 constitutional amendment.

The Senate majority leadership rejected the hypothesis that an equi-partisan group would have to work on reapportionment to guarantee its success. The reapportionment work was assigned to its standing Committee

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<sup>9</sup> House Resolution 18, Sixty-ninth Illinois General Assembly, offered January 10, 1955.

on Apportionment and Elections without any extraordinary action on the part of the Senate.<sup>10</sup>

Balkanization was implicitly adopted as a technique for getting redistricting lines drawn when the House special committee and Senate standing committee split themselves into subcommittees. The House committee was divided into three subcommittees—one to consider Chicago, one for the Cook County suburbs, and the third for the downstate area. These three subcommittee assignments coincided with the separate area divisions as set out in the constitutional amendment. The subcommittees were composed of four, two, and six members respectively, and each subcommittee had equal party membership. All the members of each of the subcommittees were representatives of the area of concern of their subcommittee. The special problem of Chicago resulted in a further breakdown of that subcommittee into three groups to cover north, west, and south sides. A House member who was not a member of the Reapportionment Committee was drafted to work on the complex problems of Chicago's South Side.

The subcommittee question posed certain difficulties for the Senate Elections Committee despite the voluntary withdrawal of one downstate Republican. If subcommittees were created to follow the area divisions established in the Constitution and if each subcommittee was composed of members residing in the area involved, the Democrats would have a four to one majority in the Chicago subcommittee, there would be only Republicans on the Cook County suburbs subcommittee, and the downstate subcommittee would be oversized with eight Republicans and two Democrats. The alternatives were (1) to ignore residence as a factor in constituting subcommittees, and to create three five-men subcommittees, each composed of three Republicans and two Democrats, a solution which would be consistent with the original use of the standing committee, or (2) to drop the constitutional area divisions as the basis for subcommittee responsibility and to draw new area divisions which would permit the appointment of subcommittee personnel who resided in the area assigned to them.

The final decision was to combine these possibilities. Chicago, Cook County outside of Chicago, and downstate were abandoned as potential subjects of individual subcommittee study; and in lieu thereof all of Cook County was assigned to one subcommittee, all of the northern portion of the state to a second subcommittee, and all of the southern half of the state to a third subcommittee. Each subcommittee was composed of three Republican Senators and two Democratic Senators. Subcommittee No. 1, with responsibility for all of Cook County—which meant drawing 18 districts

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<sup>10</sup> The assignment to the committee of the job of constructing a bill was unusual. Standing committees in the Illinois General Assembly normally require a bill to be before them for consideration. See Gove and Steiner, *op. cit.*, p. 23.



in Chicago and 6 in the suburbs outside Chicago — was composed of two Chicago Democrats, one Republican whose district lay entirely in the suburbs, one Republican whose district lay almost completely in the suburbs, and one “non-resident” Republican from adjacent Lake County. The northern Illinois group included three Republicans from northern Illinois, and two Chicago Democrats. The southern Illinois subcommittee was composed of three Republicans and two Democrats, and unlike the other subcommittees, all members represented districts within the subcommittee’s area of concern. For this reason, the southern group was the only one of the three to function as a unit.

Instantly upon adjournment of the meeting at which subcommittee arrangements and appointments were concluded, the Cook County subcommittee agreed informally that the two Chicago Democratic members would assume exclusive responsibility for the Chicago redistricting and that the two Cook County suburban Republican members would assume exclusive responsibility for the suburban districting. The majority members of the northern Illinois subcommittee proposed a unified effort, but the Chicago Democrats appointed to that subcommittee declined to participate, not out of a spirit of non-cooperation, but rather out of a lack of interest. “They asked me to come to a meeting,” said one Democratic subcommittee member who has been a leader in Chicago Democratic politics for twenty-five years, “but I told them that there hasn’t been a Democratic district in that area for forty years, so why should I waste my time.”

#### **REDISTRICTING BY COMMITTEE**

The special House committee of twelve represented only eight per cent of the House membership, and thus was legitimately concerned about involving enough members to insure a hard core of support for its ultimate recommendations. Accordingly, the House Reapportionment Committee, by letter, invited each House member to participate in the construction of his or her own district by delivering boundary suggestions to the appropriate subcommittee chairman. Whether this formality encouraged otherwise reticent members to make suggestions is problematical. It did serve to publicize the subcommittee arrangements and to emphasize the division of responsibility by area.

The Senate committee operated less formally. Almost one-third of the total membership of the Senate served on the Elections Committee and thus had formal access to the redistricting activity. The committee sent out no notices, but repeatedly urged each member of the Senate to discuss proposed maps from the point of view of his district. These announcements were made in committee meetings, in caucus, and on the floor of the Senate. Illustrative of the responses is the verbal instruction given by a Chicago

Senator to a colleague who was en route to the first meeting of the Chicago subcommittee (*i.e.*, the informal Chicago subcommittee of the formal Cook County subcommittee), "Do anything within reason, but don't take my district across the (Chicago) River."

From the beginning, all the legislative committees involved in redistricting placed primary consideration on people, notably sitting Senators and Representatives, rather than on abstractions like area, population, contiguity, or ethnic characteristics. Influential members all agreed that there was no point in chopping out districts that satisfied the constitutional requirement, but did not satisfy the members, if it was possible to satisfy both the members and the Constitution. There were innumerable combinations that would satisfy the Constitution, and the more practical approach was to try to satisfy the members first. The committees were unwilling to make a public announcement of their interest in preserving the seats of incumbent legislators, and the House group promptly found itself at odds with some non-legislative organizations which claimed an interest in reapportionment.

The clash became inevitable when the Illinois Committee for Constitutional Revision publicized, at the very beginning of the legislative session, a set of "principles of reapportionment" and set aside money to support an observer to keep the public informed of legislative adherence to these principles:

1. For the Senate, emphasis should be on area, but natural communities as well as population should be considered in addition to area.
2. For the House, districts should follow natural community lines rather than political boundaries, such as wards.
3. In multi-county districts, grouping of counties to encourage domination by one county should be avoided.
4. A fair method should be devised to decide which Senators would be assigned even numbered districts (and thus face re-election in 1956), and which would be assigned odd numbered districts (where the term would run until 1958).

When the Committee for Constitutional Revision observer appeared at a House committee meeting, the committee voted unanimously to exclude him and all others and to go into executive sessions. The committee chairman, an original sponsor of the reapportionment amendment, defended executive sessions with the assertion that they would spare the legislators "embarrassment" — almost a public admission of the practical need to consider people first and abstractions second. He said:

That committee [the I.C.C.R.] had nothing to do with drafting the amendment. We're the engineering department. They were only the sales department, and neither they nor newspaper reporters have a right to hear our family arguments.<sup>11</sup>

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<sup>11</sup> Chicago *Sun-Times*, February 6, 1955.

The tone of the House approach was set by the *de facto* leader of the Democratic minority who said on the floor, "I don't think it's up to the committee on constitutional revision or any newspaper to redistrict the state. It's up to the legislature, according to the mandate of the people."<sup>12</sup> Further support came from the Chicago Republican who was working on the redistricting of Chicago's South Side: "[The Committee on Constitutional Revision is] getting too big for their britches if they think they have a monopoly on understanding reapportionment."<sup>13</sup>

Perhaps the most illuminating, and surely the most accurate evaluation of the legislative interest came from a House member who was subsequently to be the architect of the only change in a Senate district achieved over the initial objection of the Senate subcommittee concerned:

Outsiders shouldn't stick their noses in and tell this committee how to reapportion the state . . . Any man in this legislature who doesn't fight for his own district is a particular damn fool. I'm not for too many sitting members running against each other if we can work it out.<sup>14</sup>

The furor subsided, and working meetings were thereafter held in secret.

The Senate committee avoided similar problems by confining the business of plenary committee meetings almost exclusively to submission and acceptance of subcommittee reports. The subcommittees worked behind closed doors from the first. Active disputes were aired not in the committee room but most frequently in party caucus. Indeed, final acceptance of Chicago Senate districts was secured, for all practical purposes, not in the committee and not on the floor, but in the Democratic caucus. Here the roll was finally called on two freshmen Democratic Senators who could not be accommodated, and here a Negro Senator was accommodated when inadequate Negro representation became a major source of trouble.

At no point prior to the publication of tentative maps by Senate and House committees was there any serious effort by a non-legislative group to propose a complete scheme of redistricting. This fact was subsequently highlighted by some legislators who considered it an acknowledgment by non-legislative groups of their interest as peripheral and of the legislative interest as primary. As promptly as one week after the House committee's executive session fuss, a letter was read to the House from the chairman of the Constitutional Revision Committee denying any intent to do more than "inform":

It is our hope that the members of the General Assembly will clearly recognize our purposes and will not view the information activities, which we will definitely continue to pursue, as constituting an interference with the General Assembly or a criticism of its efforts.<sup>15</sup>

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<sup>12</sup> *Chicago Tribune*, February 2, 1955.

<sup>13</sup> *Ibid.*

<sup>14</sup> *Chicago Sun-Times*, February 6, 1955.

<sup>15</sup> *Chicago Tribune*, February 9, 1955.

The following week, the House committee threw open its doors and invited organizations and individuals favoring reapportionment to tell their views on how districts should be established. The meeting was poorly attended and lasted about twenty minutes. Representatives of the Illinois Junior Chamber of Commerce, the Citizens of Greater Chicago, and the Independent Voters of Illinois appeared formally. Each was asked by the Majority Whip and others if his organization had a specific map for discussion; each said they had none but were interested in following developments. A representative of the Illinois Association of Supervisors and County Commissioners, who did not appear at the open meeting, arranged to have some pencil sketches presented for committee consideration. Spokesmen for the League of Women Voters and the Women's Church Council of Illinois, although present, made no official record of their attendance. Neither group had a map to offer for consideration.

Although the Senate Elections Committee did not especially publicize any early meetings as a "hearing," there was never any indication that group spokesmen would be either unwelcome or muzzled at the full committee sessions. Only once — and then in the matter of a single district — before the committee met to consider the redistricting bill as actually introduced in the Senate did a non-legislative group make any substantive presentation. Several such groups affirmed explicitly that they considered actual delineation of districts to be a legislative function. At the hearing on the bill as introduced, only the representative of the Independent Voters of Illinois offered a map; and he explained, when questioned, that his group had not offered the map sooner because it was waiting to see what the legislature would suggest. At a Chicago meeting of the Illinois Committee for Constitutional Revision held midway through the session, its chairman emphasized to the representatives of the 60 organizations present that the committee had drawn no maps.

The fact that virtually no non-legislative group offered a proposed map seems attributable to two things. First, many of these groups came to a conscious decision that their interest in redistricting simply did not merit the expenditure of time, talent, and money involved in preparing a specific plan. Second, there was a tendency to believe that anybody with a map was espousing a particular interest, and these groups all denied any such intent. Of course, they later did espouse the interest of one Chicago group over that of another by urging a change in a Chicago district as proposed by the House Chicago subcommittee.

One partial redistricting plan was publicized early in the session before any tentative proposals were offered by the legislative committees. This plan, offered by the Better Government Association, a private, relatively quiescent civic group in Chicago, covered only Chicago and suburban Cook



County districts. Although the newspapers reproduced the Association maps, the proposals never made any impact in Springfield. Indeed, if they had not been offered before the legislators themselves started making redistricting news, it appears doubtful that they would have achieved any measure of publicity.

One Better Government Association map proposed twenty-three House districts in Chicago with a maximum population variation of 5,500 and eighteen Senate districts in Chicago with a maximum population variation of 4,220. In other words, as far as the constitutional mandate regarding population and area was concerned, the Better Government Association Senate map was a better House map than the House map itself.<sup>16</sup> In addition, one proposed suburban House district was discontinuous, and therefore in violation of the constitutional stipulation that districts be compact and contiguous. The constitutional requirement that area be a prime consideration in the Senate districts was apparently ignored in the Better Government version on the unlikely theory that this need not apply to a densely populated area. In turn, the proposals were eliminated from serious legislative consideration. A Chicago House member was to inform his colleagues later in the session that the Better Government Association map was meant only to be a "starting point."

Downstate maps for both Senate and House were released by the legislative committees concerned on a "trial balloon" basis early in April. No special stir was created either among members or around the state by their publication, and the subcommittees involved assumed that no major overhauls would be necessary. In order to reduce the total downstate House representation from 96 to 87, as many as six incumbents were thrown together in one district, and several new districts had five incumbents. A minor but protracted dispute did grow out of controversy regarding the location of a single county which was detached from its existing district and added to a neighboring House district. An incumbent Representative from the county in question took a dim view of his future under these conditions and devoted considerable effort to attempts to improve his situation either by a change in the House districting or by the construction of a Senate district from which he might make a race for that body. Downstate Senate districts, increased in number from 32 to 34, had no two sitting Senators in the same district under the subcommittees' plans. Cook County suburban districts, increased to provide for six Senators rather than two, and for twenty-one Representatives rather than five, were easily agreed upon, the

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<sup>16</sup> The Better Government Association proposals are discussed in some detail in David R. Gray, "The Making of the Illinois Reapportionment Act, 1955" (Unpublished Thesis, University of Illinois, Department of Political Science, 1955).

Democrats having been satisfied that what little strength they hold in the suburbs was not gerrymandered.

Chicago districts presented a more complex problem. It should be understood that the date established by state statute for holding the Chicago mayoralty election habitually delays the effective beginning of every second regular legislative session until after the first week in April. In 1955, the mayoralty election was particularly hard fought. Legislators serving on both House and Senate Chicago redistricting subcommittees gave first priority to precinct, ward, and city political activity related to the election and could not devote adequate time to the redistricting question.

Beyond the limitations of time and attention, however, the character of the particular election itself affected the redistricting. It was of considerable importance to each candidate that local precinct and ward organizations function with maximum efficiency and enthusiasm. Proposals for redistricting would inevitably dissatisfy some members, and a dissatisfied member would surely appeal to the candidate to exert influence for change. Because a first principle of the reapportionment committees was to avoid disturbing sitting members whenever possible, disaffected members could not have been satisfied without provoking disaffection elsewhere. Disaffection could show on Election Day. The safest course was to avoid the publicizing of maps until after the election. This was especially important for the Democratic candidate because as chairman of the Cook County Democratic Committee, he held a position of considerable influence in the party organization. The Republican candidate, a recent apostate from the Democratic party, had no standing with the Republican hierarchy and, if necessary, could have pleaded that his influence was inadequate to cover any part of the reapportionment situation. With the Democrats in total control of the Chicago Senate subcommittee and with equal representation on the Chicago House subcommittee, no problem was involved in postponing the Chicago work until after April 5. The Mayor-elect could then make any decisions he was called upon to make without the possibility of discontent being reflected in stay-at-home votes that might otherwise have been brought to the polls.

Redistricting proposals for Chicago House districts were released a week after the election and became the object of intense non-legislative opposition. The districts in dispute would have divided Chicago's West Side into three long, narrow "bowling alley" shaped areas and cut the presumably homogeneous Austin area so that it would have had no certain representation. The "bowling alley" districts would obviously have been of maximum advantage to incumbent legislators of the so-called West Side bloc, a bipartisan group from distinctly over-represented districts whose elimination had been virtually promised by reapportionment supporters. There seems to be

no doubt that this map was offered as a "trial balloon," or as one member of the committee put it, "something which could be tested for reaction among press, civic groups, and legislators." This plan would have preserved the seats of a maximum number of incumbents, however, and it is therefore not surprising that first criticisms came from outside the General Assembly. Indeed, one legislator who was later to be a leader in revising the map, was quoted at first as saying that Austin area voters would have a chance to elect some legislators from the West Side districts.<sup>17</sup> Both the Governor and the Mayor of Chicago expressed emphatic disapproval, however.

The ultimate revision of the proposed West Side House districts is the only illustration of the triumph of non-legislative groups without a determined legislative spokesman over an expressed legislative preference. The success of the Illinois Committee for Constitutional Revision and of the Chicago newspapers in effecting a change cannot be understood, however, without understanding, first, the long history of the West Side group in jumping party lines, and second, the need for the new Chicago administration (inaugurated April 20) to secure a favorable press and civic opinion in contrast to the unfavorable publicity it had received throughout the campaign. The new mayor was determined to seek extensive permissive taxing powers for Chicago. Downstate legislative votes for such a program could only be secured by appropriate logrolling coupled with an opportunity for downstaters to explain themselves at home by citing some evidence of Chicago "reform."

In short, the "bowling alley" districts were unveiled at a time when the Chicago political leadership needed both dependability and "respectability." The Mayor denounced the West Side arrangement — and, incidentally, was rewarded with his first good press of the year — thereby leaving Chicago Republicans stranded. The latter organization had been at war with the West Side group for months. Chicago Republican members of the redistricting committee hastily came to the support of Austin as deserving representation of its own. A special meeting of the Chicago subcommittee was held the last week in April. Two competing plans for revision of the West Side districts were offered, one by the House Majority Whip, one by the (Republican) member usually identified as the leader of the West Side bloc. The latter plan was adopted, both Democratic members of the subcommittee voting with the West Side man.<sup>18</sup> The revised plan was offered to the House by its Democratic leader who was himself both a resident of one of the districts in dispute and a member of the Chicago subcommittee, although not a member of the West Side bloc.

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<sup>17</sup> *Chicago Tribune*, April 14, 1955.

<sup>18</sup> "Minutes of the Chicago Subcommittee Meeting on Reapportionment Pursuant to House Resolution 18," April 27, 1955, (typewritten).

The change from the districts as originally proposed has been properly described as resulting from a "pincers" movement. The West Side legislative group, lacking a dependable tie to either party because of its historic willingness to jump party lines, was abandoned despite the fact that its members were not personally unpopular in the legislature. The current needs of the Democratic organization in Chicago and the defensive tactics of the state Republican organization pressed in from opposite sides and changed the "bowling alleys" into more nearly square units. The Chicago subcommittee itself incorporated the adjustment in its proposal. Despite the dispute, a bill had not yet been formally drafted.

The fixing of Chicago Senate districts was also preceded by extended controversy, a controversy in which the Governor of Illinois played much the same kind of determining role as did the Mayor of Chicago in the House districting dispute. While the House dispute was still active, the Senate Chicago subcommittee released its proposal for redistricting the city. The proposal was plainly drawn to suit the needs and demands of the seventeen sitting Chicago Democrats. Whereas the Constitution had directed that area was to be of "prime consideration," the subcommittee offered districts ranging from less than six square miles to twenty-three square miles. It is perhaps significant that the map was made public during a week when the Democratic leader of the Senate was not in Springfield. As a consequence there was no official party comment on the map, a fact that made it easier to make subsequent adjustments.

These Chicago "trial balloon" districts represented sitting members' conceptions of a convenient reapportionment. Their conceptions conflicted sharply with the views of the "outs," and an immediate protest from the Republican organization greeted the publication of the Chicago map. Among the vociferous opponents were former Republican Senators whose chances for a comeback would have been seriously damaged by the proposals advanced by the Democrats. Although no overt opposition was forthcoming from members themselves, adoption of the Democratic drafted proposal posed a threat to the Republican state organization, and Republican leadership reacted accordingly. The Republican Governor promptly denounced the plan and hinted a veto of a reapportionment bill that retained the features of the disputed maps, noting that "It would be futile to sign something the courts would throw out."<sup>19</sup> He was apparently supported by Chicago's new Democratic Mayor who announced himself in favor of "compact districts to give equal representation to all areas," a statement generally regarded as critical of the Chicago maps originally offered in both houses.

Although the Mayor and the Governor took exception to initial Chicago

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<sup>19</sup> Chicago *Tribune*, April 20, 1955.



reapportionment plans in both houses, the Mayor, a Democrat, concentrated his attack on the West Side gerrymander, where the seats at stake were held principally by Republicans, while the Governor, a Republican, emphasized the disparity in size in the projected Senate districts where the seats were held by Democrats.<sup>20</sup> One Chicago newspaper, noting this editorially, regretted that each had not expanded his objection to cover both situations but concluded that although they were working "from different political directions," the two officials could still carry out the intent of the amendment "even if their politics impose certain restraints on their tongues."<sup>21</sup>

The formal Republican answer to the Chicago Senate plan was developed by two former Republican Senators from Chicago who had been defeated in the 1954 election. Their map threw two or more sitting Democratic Senators into the same district in six cases. Two other sitting Democrats would face certain defeat in the heavy Republican areas assigned them. The Democratic stalwart who had been insistent with fellow Democrats that his district not cross the Chicago River would have crossed the river under the Republican proposal. Senate Republicans, in caucus, adopted the plan which was promptly characterized as an "atrocious" by the Democratic leader.

The participation of former members of the Senate on the Republican side was virtually a matter of necessity. No Republican represented a Chicago district in the Senate in 1955. Consequently, that party's leaders had no easy access in the Senate either to expert opinion on Democratic proposals or to the development of counter-proposals. Ultimately, not only were the ex-Senators used, but a Cook County Republican Central Committee leader came down from Chicago to lend a knowing hand.

When the legislature assembled next after the publication of the Republican map, the Senate Democratic leader immediately threw that chamber into the Illinois version of a filibuster—a demand for strict compliance with the rule requiring the reading of the Journal of the previous legislative day and with the constitutional requirement that bills be read in full. The extraordinary feature of the "filibuster" was that no bill was before the Senate or even before the House. It was a filibuster against the terms of a bill that had not yet been introduced in either chamber, and, in fact, had not yet been drafted in bill form. Nevertheless, the maneuver was successful in making the point that the redistricting would have to conform to an agreed pattern, that the 31 Republican Senators from outside Chicago would not be permitted to impose a map on the 17 Democratic Senators from Chicago. Negotiations commenced involving the Senate leaders

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<sup>20</sup> *Chicago Tribune*, April 19, 1955.

<sup>21</sup> *Chicago Sun-Times*, April 21, 1955.

of each party and members of the original Cook County subcommittee of the Elections Committee, thereby ending the arrangement wherein Chicago had been the exclusive concern of the Chicago (Democratic) members of the subcommittee.

An initial understanding was reached giving the Republicans four districts heavily weighted with Republican voters, establishing three "doubtful" districts, and retaining eleven "safe" Democratic districts. The major problem to which the conferees devoted themselves was how to draw the lines to achieve this result with minimum damage to Senate colleagues. The Majority Leader suggested early in the discussions that both parties had been "selfish" in the first exchange of maps. "The whole trouble was that they were trying to take care of certain parties on both sides. Now we are trying to be fair on both sides." The Minority Leader observed a cooperative spirit: "Both Republican and Democratic Senators have evidenced a spirit of reasonableness to attain a solution."<sup>22</sup> Nevertheless, the filibuster continued—with varying degrees of intensity—throughout the negotiations.

It became evident as these negotiations continued that the major impediment to a solution was the unwillingness of some of the sitting Democrats to accept the inevitable and agree to districts that were preponderantly Republican. Ultimately, the Democratic leadership called the roll in caucus and secured approval for a compromise map over the continued objection of two freshmen Senators whose new districts would probably elect Republicans at the earliest opportunity. In only two instances, however, was it necessary to place sitting members in the same new district. One of these was by agreement, and the other was without objection from the members involved.<sup>23</sup>

Republican Senators' opposition to the Democratic proposals consistently was based on the argument that the Democratic plans would not satisfy the constitutional mandate that area be the prime consideration. The area ratio for Chicago's 18 new Senatorial districts would be 11.9 square miles. The majority tended to insist that districts below nine square miles would be impossible to defend and that the consequences of a declaration of unconstitutionality could not be chanced in order to accommodate a few

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<sup>22</sup> St. Louis *Post-Dispatch*, May 4, 1955.

<sup>23</sup> Three members were placed in the downtown Loop district. One, for whom the other two initially announced they would step aside, is senior in years and has from time to time suffered from illnesses which have kept him away from Springfield. A second is a young party regular, and the third, a veteran, has expressed interest in a congressional seat now occupied by an eighty-one year old Democrat. In fact, it was the third man who was subsequently renominated.

Two freshmen Democrats were thrown together in a district on the Northwest Side of Chicago. Both were sponsored by very influential members of the Chicago Democratic organization. Another job could be found for either man without creating any party problem.

of the sitting Democrats. Those few Democrats, however, persisted in their unwillingness to give in. At one point, one of them defended a district he would have accepted by arguing that a park district survey showed its total area to be 7.556 miles rather than the 7.35 miles found by legislative researchers.<sup>24</sup> When the Republicans and the minority Democrats both stood pat, the Democratic leader pushed each side to its outer limit, appraised the situation realistically, gave his approval to the Republican outer limit, and then compelled acceptance of the plan by the Democrats. Plainly the alternatives were a Republican modification of the Democrats' proposals or no bill at all. The latter result would have created considerable unfavorable public opinion for the Chicago Democratic organization and the likely loss of the ambitious program the city was presenting for new revenue.

The Illinois Committee for Constitutional Revision condemned the Chicago Senate map as "gerrymandering and political expediency, [which] fails to carry out the provision and intent of the Blue Ballot amendment." The Committee discovered that the map was drawn to "do the least violence to the incumbent senators."<sup>25</sup> Similar dissatisfaction was expressed by the Chicago press:

But the Senate map for Chicago, which once set up cannot be changed, has been drawn with an eye to political advantages for incumbent senators rather than with consideration for equity and fairness to the voters.<sup>26</sup>

The so-called compromise on reapportionment of Chicago Senatorial districts is an attempt by the Democrats to obtain two more seats than they are entitled to under the constitution. . . .

The maneuvering of the Democrats is understandable. The disposition of the Republican leaders in the legislature to deal with them passes understanding. What they are compromising is not a couple of Senate seats, but the constitutionality of the whole remap plan. This is suicidal.<sup>27</sup>

If the proposed redistricting is adopted, the area of the city with the lowest educational standards, the area that suffers most from blight and is losing population to the outskirts, the area of gang politics and syndicate gambling influence, will be given a disproportionate voice in the affairs of the state for as far in the future as anyone can see.<sup>28</sup>

The informal limits on reapportionment were stretched to the extremes, however, and the formal limits were sufficiently imprecise that civic group and press complaints that these formal limits were being violated was wasted effort. Several members still indicated dissatisfaction with the areas assigned to them by the various subcommittees and committees involved, but the resolution of the Chicago situation encouraged legislative leaders to believe

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<sup>24</sup> *Chicago Tribune*, May 13, 1955.

<sup>25</sup> *Chicago Sun-Times*, May 20, 1955.

<sup>26</sup> *Ibid.*, June 6, 1955.

<sup>27</sup> *Chicago Tribune*, May 14, 1955.

<sup>28</sup> *Ibid.*, May 21, 1955.

that the redistricting could be forced through as agreed upon in committee. Consequently, after three months of activity, instructions were issued to prepare a bill for introduction. The problem now became one of determining whether a majority of members would hold firm long enough to proceed with enactment of a bill. As it developed, there were rumblings in each house.

#### INTRODUCTION AND PASSAGE OF THE BILL

Republican and Democratic leaders agreed that the redistricting legislation should not be permitted to shuffle through the legislature subject to all the parliamentary maneuvering that can entrap an ordinary bill. When agreement on substance was reached, it was deemed important to cut the formalities to the bone. Accordingly, the way was cleared in a manner probably unprecedented in Illinois legislative history. While the General Assembly was in week-end recess, a number was assigned to a bill which had not yet been introduced and the "bill" was printed. The redistricting bill was formally introduced on May 24, and House members found printed copies of the bill on their desks that same morning. Word circulated on the floor that all amendments would be disposed of on second reading the following day and that House passage was scheduled for the third day. It was also an open secret that leaders were going to try to beat all amendments lest the adoption of one change set off a chain reaction that would reopen too many problem situations. According to one member of the House special committee:

Our plan is to vote down all amendments. If we open it up for one, everybody else will want the same consideration. We just can't please everybody.<sup>29</sup>

The timetable established by the House leadership prevailed, although the absence of unanimity became evident at once when objection was made to advancing the bill to second reading without reference to committee. The five objectors were overruled by 121 of their colleagues who were in accord on the desirability of getting to the showdown, although not necessarily in accord on the particulars of the measure. General debate in Committee of the Whole, a substitute for reference to a standing committee, consumed only three and one-half hours. No non-legislators were heard. Members of the special committee assured the House that every effort had been made to help sitting members. A few questions were asked, but only a handful of disaffected members — notably the Negro group — made plain their dissatisfaction.

Sixteen amendments were offered to the bill on second reading. Six of the proposed changes had so little support that their sponsors were content to let them be lost by voice votes. Of the remaining ten amendments, nine

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<sup>29</sup> Chicago *Daily News*, May 24, 1955.



were defeated, the strength of the proponents varying from 26 to 58 votes, that of the opponents varying from 91 to 68 votes.

A clear illustration of legislative logrolling is seen in even a superficial analysis of the votes cast in support of the proposed amendments. The least strength that was developed for any amendment was 26 votes. These 26 members, voting in roll calls on nine proposals to overturn the recommendations of the special committee, had a total of 234 votes to cast for or against adoption of the committee plan. In fact, only seven votes of the 234 were cast in favor of upholding the committee recommendations. In 202 cases out of the 234 opportunities, this group voted to overrule the committee, while members did not respond to their names in 25 instances. The cohesion was substantially unchanged irrespective of the subject of the amendment and irrespective of the party affiliation of the sponsor. Twenty-one of the 26 dissidents were downstaters. Five came from Chicago districts. Fifteen were Democrats; eleven, Republicans. The 26 members involved were not committed to oppose all reapportionment, but they felt themselves adversely affected by this reapportionment and took a sympathetic interest in each other's complaints.

Despite the determination of House leaders to oppose any change in the committee bill, one amendment — involving a Senate district — was adopted on the House floor. Its sponsor was the House member who had battled for months in an effort to achieve a change in both House and Senate committee proposals for his county. After the House stood firmly behind its own committee's recommendation, rejecting a proposed amendment to the House districting by 80 to 39, it became receptive to the renewed attempt to make some alteration in the projected Senate district. The House vote to adopt the amendment — a watered down version of what its sponsor had originally urged — was a kind of consolation prize which the House could well afford to award since no other House member was now involved, and the sitting Senators concerned had indicated that they held no strong convictions on the subject.

The fact that the Negro members of the House were almost solidly lined up with the minority on all the amendment roll calls presaged ultimate trouble. Nevertheless, the House beat down, 68-39, an amendment offered by a Negro member that would have revised the Chicago Senate districting. The revision would have been advantageous to the city's colored population which, under the committee proposal, appeared to be held to a single Senator. The amendment proposed in the House was the first step in reminding the legislature that Chicago Negro leaders feel that social integration has not yet been achieved and that the Negro population is insistent on Negro

representation reasonably proportionate to the total Negro strength in the community.<sup>30</sup>

There seems to be no question but that the unusual requirement that area be a "prime consideration" in drawing Senate districts served to turn public attention away from ethnic and religious considerations. The literature of the Illinois Committee for Constitutional Revision and that of the League of Women Voters and the Better Government Association was silent on the issue of appropriate representation for Chicago's increasing Negro population. The plethora of editorial advice offered the reapportionment draftsmen included no suggestions on this point. It would appear that the problems of meeting the area requirements, meeting reasonable population requirements, satisfying sitting Senators, and retaining a balance in relative party strength weighed so heavily that the committee shook off this further complication.

House passage of the reapportionment bill was easily achieved, 130-15, on the second day following formal introduction which is the minimum time allowable under the Illinois Constitution. An attempt on the part of a discontented member to stall passage by demanding that the bill be read in full had no effect. Negro members generally agreed, in the course of explaining their votes, that the Chicago Negro population was being unfairly treated, one member going so far as to allege that the bill provided for "Jim Crow senatorial districts on the South Side."

Senate activity was more leisurely and more fiery. The reapportionment bill was formally referred to the Committee on Elections and Apportionment, and the non-legislative objectors were given a chance to be heard. In succession, spokesmen for the League of Women Voters, the Committee for Constitutional Revision, the Chicago Board of the National Association

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<sup>30</sup> Chicago politicians should have been able to anticipate this reaction. In November 1954, the Report of the Chicago Home Rule Commission recommended certain changes in the size and composition of the Chicago City Council — changes which did not guarantee Negro representation. The Negro member of the Commission dissented, saying, in part:

Despite the great progress of recent years, the Negro still is in an extremely disadvantageous position in the city. As long as discrimination based on color persists as rigidly as it does today, the Negro minority feels the need of political representatives with deep convictions on the principle of equal opportunities for all citizens. Furthermore, such representatives are expected to express the legitimate aspirations of minority groups.

It is grievous that the issue of minority-group representation should have to be raised when conscientious efforts are being made here to improve the quality and procedures of local government. These objections have validity under the present racial patterns existing in the city of Chicago today. Chicago Home Rule Commission, *Chicago's Government* (Chicago, 1954), pp. 74f.

for the Advancement of Colored People, the Citizens of Greater Chicago, the Independent Voters of Illinois, and the Chicago City Club appeared to protest the Chicago Senate redistricting. The League, the Constitutional Revision Committee, the Citizens of Greater Chicago, the City Club, and the Independent Voters of Illinois were generally opposed to the obvious absence of any objective standard in the delineation of these districts. Senators of both parties closed ranks against the outsiders. The hearing did not serve to open for reconsideration any decisions made by the committee.

The Negro group continued to view the Chicago districts with considerable dismay. Its spokesman at the hearing, a one-time candidate for the Democratic nomination to the state Senate, argued that whatever the purpose, the actual result of the proposed districting was to segregate Negroes in such a manner as to cut down from three to one the possible Negro delegation to future Senates. Of even more importance was the fact that the only sitting Negro Senator from Chicago, spurred on by political leaders of his race, suddenly refused to hold still. For a twenty-four hour period just preceding Senate action on the House approved bill, the entire reapportionment was in jeopardy.

The sole practical solution involved a change in the South Side Chicago Senate districts which would place a sitting white Democratic Senator in a district predominantly Negro. Any such arrangement, however, necessitated an informal commitment from Negro political leaders that the white incumbent would not be dumped at the next election. Once an agreement to that effect — which obviously could not be negotiated in Springfield — was achieved, peace came back to the Senate side, and most especially to the worried Democratic leadership. The Negro group came out with two Senate seats, but one of them was to be somewhat delayed, a circumstance that protected the sitting white member and protected the Democratic organization against possible attack as anti-Negro.

Thereafter, nothing remained for the Senate but to disagree with the House amendment which had changed a Senate district and to pass (48-2) the House Bill with the changes reflecting the Senate deals. Two Democratic Senators, who were being sacrificed, cast the only votes against the measure just as they had been alone in their opposition in the Democratic caucus.

House leaders viewed with alarm the prospect of each chamber adhering to its position on the single House amendment to the Senate districting. The chairman of the special House Apportionment Committee moved to concur in the Senate amendment "in the interests of getting the job done." Moreover, he warned the House that he could not "see any real hope of the

Senate changing its position," and that the end result would only be "needless nervous tension and irritation."<sup>31</sup>

Members seemed unwilling to take further direction on the reapportionment issue, however, and refused, 41-69, to agree to the Senate amendment. The consequence was a brief and surprisingly harmonious conference committee session which recommended that the Senate recede from its amendment. Although there was some discussion of reopening consideration of a House district which was not in disagreement, this was not pressed. The conference report was adopted by both houses without excitement.

#### THE MAKING OF REDISTRICTING POLICY

The redistricting of the Illinois Senate accomplished by the 1955 session of the General Assembly is probably permanent. There is no constitutional mandate requiring action within any established period of time, and it is doubtful that legislators will deliberately invite a constitutional challenge by insisting on effecting a redistricting which they are delighted to avoid in the first place. House seats, however, according to the constitution, must be redistricted on the basis of population in 1963 and every ten years thereafter. The importance of any generalizations offered on the basis of this case study should, therefore, be related to their applicability to future House redistricting. Although Senate experience is pertinent to developing such generalizations, another constitutional amendment involving another constellation of forces and new criteria will be required precedent to a Senate redistricting.

On the House side, the most important elements of the future setting are likely to be much the same as they were in 1955, and the major change — to a pure population base without regard to limiting the number of seats for Chicago and for Cook County as against downstate — is known in advance. With these things in mind, the following modest judgments are offered in the form of conclusions to the case study and in the hope that they may aid in the understanding of policy making in this field:

1. Peripheral groups seeking to maximize their influence over the terms of redistricting legislation should focus their activities exclusively on contacts with members of the legislature rather than on attempts either to expand their membership or to achieve a united front with other groups. The legislative interest is clearly dominant in redistricting policy making. Al-

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<sup>31</sup> St. Louis *Post-Dispatch*, June 9, 1955. The parliamentary situation was that the Senate had amended the bill already passed by the House. The Senate amendment restored the districting proposed by the Senate committee and informally agreed to by the Senate leadership. This districting, incorporated in the House bill as introduced, had been changed on the floor of the House. Consequently, the Senate amendment really was a return to the original agreement. In this sense, the amendment did not introduce new substantive material.



though the legislative interest may be subject to minor adjustment — as in the case of the Chicago West Side districts — it will not be overcome. In the development of redistricting policy, the legislature does not actively seek opinion from outside the General Assembly as it does with banking legislation, with labor legislation, or with farm legislation. Non-legislative groups tend to be tolerated but are effective only to the extent that an individual member or members actively champion their cause. This same point may be expressed another way by saying that no non-legislative group can become dominant in a redistricting issue; consequently, all non-legislative groups have virtually the same likelihood of influencing the final pattern because they must all work within the boundaries of the (incumbent) legislative interest.

2. An effective technique for maximizing influence over redistricting legislation is the preparation and presentation of specific proposals in the form of maps. The Illinois legislature is accustomed to a multitude of draft bills being offered by representatives of innumerable groups. A group spokesman who had been able to offer a valid map at the outset of the 1955 session would have achieved easy access to the policy discussions. The absence of such maps tended to make the legislative interest virtually exclusive.

3. Influence on redistricting legislation can be maximized by directing proposals affecting any district or districts to the incumbent legislator or legislators from the district. Redistricting decisions affecting each chamber are made within the particular house involved, and, as a further refinement, redistricting decisions affecting particular geographical areas within each house are made by legislators representing those geographical areas. In the House and in the Senate, a kind of “to each his own” spirit obtains so that neither the leaders of the house involved nor the party machinery is as effective in influencing the districting as are the members from the area. The ultimate locus of power lies in the subcommittees assigned to different parts of the state, and this holds true whether the redistricting job is assigned to a standing committee or a special committee and whether the full committee is equi-partisan or controlled by the majority party. In the Illinois House redistricting in 1963, groups supporting particular proposals will find it most advantageous to concentrate their attention on House members (to the virtual exclusion of Senators), and especially on House members representing the area involved. No other members have the same relative control over the terms of redistricting legislation.

4. Redistricting proposals that dislodge a minimum number of sitting members, irrespective of party, will be favored over proposals that do not take into account the sitting members. There is no evidence that in the 1955 redistricting either party persisted in an attempt to improve the existing

legislative strength of the party by a favorable redistricting scheme. On the other hand, neither party showed any disposition to give up any of its safe seats or sacrifice any of its sitting members. In short, if it had been possible to achieve a redistricting that would have satisfied the constitutional mandate without imperiling the seat of any member, such a plan would have had virtually unanimous support in the General Assembly. To the extent that future redistricting plans can approach this goal, to that extent will they have a minimum of opposition. Neither party nor principle nor region are more important than a legislator's colleagues.



